



September 1, 2004 BZA

**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

05AN0113

Jim Andelin

**Matoaca Magisterial District
8300 Beaver Bridge Road**

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes.

RECOMMENDATION

Recommend approval of this request for the following reasons:

- A. Variance will not impair the character of this area.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.

GENERAL INFORMATION

Location:

This request lies on 5.7 acres located 1,704.76 feet southwest of Beaver Bridge Road, measured from point approximately 750 feet southeast of Hull Street Road and is known as 8300 Beaver Bridge Road. Tax ID 695-663-8953. Access will be across Tax ID 695-663-3026 (Sheet 22).

Existing Zoning:

A

Size:

5.7 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Residential, vacant and Metro Richmond Zoo
South - A; Metro Richmond Zoo
East - A; Vacant
West - A; Metro Richmond Zoo

Utilities:

Private well and septic system

Transportation:

The Thoroughfare Plan identifies a proposed east/west limited access facility ("the East/West Freeway"), with a recommended right-of-way width of 200 feet, extending from Hull Street Road (Route 360) to Interstate 95. An interchange is planned on Hull Street Road (Route 360) for the East/West Freeway. The current alignment of this roadway extends along the eastern part of the property.

General Plan:

(Southern and Western Area Plan)

Rural conservation

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over a private easement from Point A to Point B, as shown on the attached map.

The applicant provides the following justification in support of this request:

We would like to create a legal lot out of our existing residence. When we went to obtain a permanent mortgage for our home. The bank did not want to have a mortgage with fifty (50) acres. We asked Balzer and Associates to parcel off five (5) acres. We did not know and nobody told us that this created an illegal lot. We did not find this out until this year. Under the current situation, we cannot get a building permit to modify, add or replace anything to the house. In the event of a fire we could not rebuild. If we desired

to refinance the loan and the title search revealed an illegal lot we would not be able to do so.

Staff visited the property and observed an existing dwelling. Staff also observed an approximately twenty (20) foot wide asphalt road that the applicant has indicated he uses to ingress and egress the property.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family or complies with the plat validation process. In this case, the property owner will be required to comply with the plat validation process requirements.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. The existing road appears to meet this requirement.

Staff notes the dwelling was constructed in 1994. The parcel was created in 1994 also. The Zoning Ordinance has required frontage on State maintained roads since 1976. However, staff cannot identify any alternative to this request other than removal of the dwelling, which would be an unreasonable hardship. Additionally, staff believes that this request will not reduce or impair the value of the dwellings or property in the area. Therefore, because the dwelling has been on the property for ten (10) years and no other alternative exists, staff supports this request.

CONDITIONS

1. Within thirty (30) days, the applicant shall provide a copy of a recorded instrument which will include the following:
 - a) A fifty (50) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report. The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below, or
 - b) If the access involves the use of a dedicated and unimproved County right of way, the applicant shall provide a copy of the approved license agreement with the County.
2. Within the fifty (50) foot wide private access easements or rights of way, the existing asphalt shall be maintained and if required, the Fire Department, shall inspect this roadway to determine its compliance with the following standards:
 - a) The roadway shall consist of not less than the following: compacted soil subbase with six (6) inches of compacted 21-B crushed stone. If an

asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the subdivision team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.

- b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection, unless otherwise approved by the Fire Department.
 - e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
- 3. The County shall not issue a final inspection for the proposed garage until all of Condition 2 a-f are met.
 - 4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.
 - 5. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.

HULL STREET RD

BEAVER BRIDGE RD

C-5

C-5


A

A


A

C
ZC

**05AN0113
VARIANCE
SH 22**



N



0 600 1,200 Feet



DOSS ROAD

BEAVER BRIDGE ROAD

EAST/WEST FREEWAY

ROUTE 360

DEER RANGE ROAD

CASE 05AN0113

05AN0113-2

